

October 24, 2007

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on October 24, 2007. The meeting was called to order at 8:06 p.m. by Mr. Blomberg, Chairman. Mr. Blomberg announced that the requirements of the Open Public Meetings Act were met by the required postings and notice to publications.

On roll call Mr. Blomberg, Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Manning,, Mr. Redling, Ms. Teng and Ms. Wiedner were present. Mr. Nestor was absent. Mr. Landel was also present.

With regard to the minutes, Mr. Blomberg noted that on the third paragraph of page four, Mr. Nestor requested clarification regarding how the house was in violation of the code. Also with regard to the last paragraph of the Elfers application on page three, the wording should be corrected as follows: "Mr. Jones, Mr. Nestor, Mr. Redling, Ms. Teng and Mr. Manning voted in favor of the motion. Ms. Hart and Mr. Blomberg were opposed to the motion. The motion passed and the application was denied."

Mr. Jones moved, seconded by Mr. Manning to approve the minutes as amended. On roll call all members present voted in favor of the motion.

Louis Clements Variance Application

65 New Street  
Block 2204, Lot 17

Mr. Clements' Architect and contractor present. All were sworn. Architect Ali Qureshi has been licensed in New Jersey since 1995. He has appeared before several Boards. Mr. Qureshi was accepted as an expert by the Board.

The letter of denial written to Mr. Clements by the Zoning Official was for the side yard, front yard, lot area, lot width and a pre-existing, non-conforming structure.

Mr. Clements would like to build a second level on to the existing structure. The footprint at the back of the house will be changed to extend two feet. The rest of the proposal is to add a second level to the current structure and reconfigure the inside of the home.

Mr. Clements bought this property in April of 2007 but has not resided in it.

Mr. Landel commented that this application has to be looked at as an expansion because a second level will be added to the house. Also the side yard setback will be enhanced, and because the house is situated on a corner lot it must meet the requirements for two front yards. The New Street portion of the property is considered to be the "real" front of the house.

Ms. Hart asked if Mr. Clements had looked for other houses that better fit the size home that he needs. Mr. Clements responded that this property presented an opportunity for him and he didn't realize what the setbacks would be.

Mr. Manning expressed concern about the height of the house which is proposed to be 32'7". There are windows on the second floor that will face the house on New Street. He added that this will be a tall house on a small lot. The measurement from the corner of Mr. Clements' house to the side structure of the house on New Street will be twenty-nine feet. Mr. Clements said the neighbors are aware of his application.

Mr. Landel stated that the normal side yard setback requirements in this zone is 15 feet, but the enhanced side yard for this project is 20.82 feet.

Presently there is storage space in the attic but there are no stairs leading to the attic. The changes to the home include a pull down stairway leading to the attic in which a small air conditioning unit, vents and possibly some storage will be located.

Mr. Jones commented that the impact of a 13 foot attic level is significant. Mr. Qureshi responded that the roof will slope on all four sides. Mr. Jones stated that the applicant is going to take a ranch and convert it to a five bedroom house.

Ms. Tengi asked what the hardship is on this particular property. Mr. Clements responded that he wants to add on to the home at its current position on the lot. The reason for the proposed height of the proposed house is to make aesthetically pleasing.

Ms. Hart said there are other two story houses in the area but they are mostly gabled on the second floor. Mr. Clements said he didn't think his proposed house deviates from the other homes that are on Dale Avenue. Mr. Qureshi said the height is not an issue that requires a variance as the proposed height is within the requirements.

The existing and proposed ground floor combined with the square footage of the garage is 1790 square feet. The second floor will be 1692 square feet, with a total square footage of 3482. The floor area ratio for this property is 22.47%. The maximum floor area ratio allowable is 23.9%.

Mr. Blomberg said he wanted to clarify what the hardship on a property refers to. It refers to the land and not the needs of the occupants. It is something that would prevent a homeowner from developing their property. He added that the property purchased by Mr. Clements is basically flat.

Mr. Qureshi responded that the way the house is positioned on the property is a hardship. It is rotated thirty degrees it would have been workable as it is, and a variance wouldn't have been needed.

Mr. Clements said that the existing home consists of one and one half baths. He purchased this home because it was within his budget.

Ms. Chamberlain asked if Mr. Clements had investigated any other alternatives such as a combination of one and two floors which would limit the encroachment. She expressed concern that the mass of the house will be doubled which will impact on the neighbors.

Mr. Qureshi reiterated that a new house could be built on the property that wouldn't have any variances.

Mr. Manning said that he didn't know if knocking down the house and rotating it was the answer to this situation. He said he believes the proposed house is too high for the property. He suggested it might be helpful to reduce the bulk of the house and the height of the attic.

Ms. Hart stated that there aren't houses in the area that are as big as the proposed house.

Mr. Landel said that the proposed house will be fifteen feet deficient on its two front yards. The house that is proposed doesn't have much depth to it and that adds more bulk to its appearance.

Mr. Jones stated that many of the lots in that area are 50 feet wide. The mass of the house will increase the setback requirements and the new structure will increase the existing house substantially in height. He added that he didn't see any benefits that would outweigh the detriments of this application.

Mr. Qureshi responded that the house is only 1.9 feet deficient on the side yard setback and it is only one corner of the house that is deficient.

Mr. Clements responded that it was more economical to build up rather than out.

The meeting was opened to the public for comments.

Mr. Richard Brook of 17 New Street was sworn.

Mr. Brook said he wants to be a good neighbor but the positioning of the proposed house is such that the house looks directly into his back yard. He also expressed concern that the house has remained vacant because he doesn't want speculative real estate in his neighborhood.

Mr. Clements said that living through a renovation is uncomfortable and he would prefer not to be there if there is an alternate choice.

Mr. Landel asked Mr. Clements if he plans on living in the house. Mr. Clements responded that he does.

Mr. Brook said he has enhanced his house and he doesn't want Mr. Clements' house to overpower his own. He stated that the structure will increase in height from 15 feet to 35 feet. It will have twice the height and three times the mass.

When there were no additional comments the matter was returned to the Board.

Mr. Jones said he had two comments. First there are two corners at the front of the property that are deficient by 15 feet on either side. The increase in the mass of the house will impact the appearance from both the streets. He suggested rethinking the options for the house and scaling it back. He concluded that he is not comfortable with the mass of the house and the variances that are required.

Mr. Blomberg said that overall bulk is a difficulty for the Board. He told Mr. Clements that the Board could come to a vote this evening, or Mr. Clements could return to the Board next month with amendments to the current plan.

Ms. Hart suggested that the portions of the house that are in the setbacks could remain one story with a portion of the house expanding to two stories.

Mr. Landel marked the drawings as Exhibit A-1 and the packet as Exhibit A-2.

Mr. Clements said he would return before the Board next month with a revised plan. He provided Mr. Landel with the affidavit of publication that was not in the package.

Mr. Blomberg recommended that Mr. Clements provide new drawings to his neighbors as a courtesy. He announced that the application would be carried to the November meeting.

David Ross Variance Application

18 Albert Road  
Block 408, Lot 18

Mr. Landel announced that the David Ross Application was published in the newspaper on October 15<sup>th</sup>. The advertisement missed the necessary date of publication by one day. He will republish on October 28<sup>th</sup>.

Mr. Landel announced that the application will be heard at the November 28<sup>th</sup> meeting of the Board.

#### Resolutions of Memorialization

A Resolution of Memorialization was presented by the Board Attorney with regard to the Peter Elfers Variance Application.

Ms. Tengi clarified that she didn't see information in the Resolution concerning the negative criteria. There is a potential hardship on this property because there are wetlands in areas that would prohibit the construction of the garage. However there are other options for expansion at the back of the property. The wetlands area didn't rise to

the level of overcoming the second prong where the applicant had to show there was no detriment to the public good or to the Zoning ordinances.

Mr. Jones stated that his first item of concern is that the second proposed garage was separate from the first garage which would require an additional variance. He noted that the applicants had asked for a large variance of 65 feet. The garage would be facing forward although no other properties in the vicinity have forward facing garage doors. Finally, although there may be a hardship doesn't mean the applicants have met the negative criteria.

Mr. Landel said that in doing the Resolution he noted that the application would constitute a second garage which the zoning ordinance doesn't allow for.

Mr. Jones also noted that there was a misspelled word on page two, paragraph three.

Mr. Jones moved, seconded by Mr. Redling, to approve the Resolution as amended. On roll call of those eligible to vote, Mr. Jones, Mr. Redling, Ms. Teng, and Mr. Manning voted in favor.

A Resolution of Memorialization was presented by the Board Attorney with regard to the S. Khanna variance application. Ms. Teng noted that on paragraph two there should be a sentence added addressing the hardship of the topography. There is no other place for the shed to be located except where it is located now.

Mr. Jones moved, seconded by Mr. Redling, to approve the Resolution as amended. On roll call of those eligible to vote, Mr. Redling, Ms. Hart, Mr. Blomberg, Ms. Teng, Mr. Manning and Mr. Jones voted in favor.

A Resolution of Memorialization was presented by the Board Attorney with regard to the James Ceriello Variance Application. Mr. Jones moved, seconded by Ms. Teng, to approve the Resolution as submitted. On roll call Mr. Redling, Ms. Hart, Mr. Blomberg, Ms. Teng, Mr. Manning and Mr. Jones voted in favor.

On a motion by Ms. Teng, seconded by Ms. Hart, the Board voted unanimously to adjourn at 9:35 p.m.

Respectfully submitted,

Gwen McCarthy  
Recording Secretary